



WILLIAM T FUJIOKA  
Chief Executive Officer

## County of Los Angeles CHIEF EXECUTIVE OFFICE

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September 16, 2013

To: Supervisor Mark Ridley-Thomas, Chairman  
Supervisor Gloria Molina  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name and title.

### **MOTION TO DIRECT THE CHIEF EXECUTIVE OFFICER AND THE COUNTY'S SACRAMENTO ADVOCATES TO TAKE ALL APPROPRIATE ACTION TO SUPPORT THE ENACTMENT OF SENATE BILL 260 (ITEM NO. 51-C, SUPPLEMENTAL AGENDA OF SEPTEMBER 17, 2013)**

Item No. 51-C on the September 17, 2013 Supplemental Agenda is a motion by Supervisor Ridley-Thomas to direct the Chief Executive Officer and the County's Legislative Advocates in Sacramento to take all appropriate action to support the enactment of Senate Bill 260 (Hancock) and transmit a letter stating the Board's support of the legislation to the Governor of California and to the Senate President Pro Tempore, Speaker of the Assembly, and to each member of the State Assembly serving Los Angeles County in the California State Legislature.

#### **Existing Law**

Existing law provides that minors age 14 and older can be subject to prosecution and sentencing in adult criminal court depending upon their alleged offense and their criminal offense history. Existing law also provides, with some exceptions, that when a defendant who was under 18 years of age at the time of the commission of the offense for which the defendant was sentenced to imprisonment for life without the possibility of parole and has served at least 15 years of that sentence, the defendant may submit to the sentencing court a petition for recall and resentencing.

*"To Enrich Lives Through Effective And Caring Service"*

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### **SB 260 – Youth Offender Parole Hearings**

SB 260 (Hancock), as amended on September 9, 2013, would require the California Board of Parole Hearings (BPH) to conduct a youth offender parole hearing to consider the release of any offender who committed specified crimes prior to being 18 years of age and who was sentenced to State prison. Specifically, SB 260 would make an individual eligible to be considered for release on parole at a youth offender parole hearing according to the following criteria:

- If the individual was given a determinate sentence, beginning the 15<sup>th</sup> year of incarceration;
- If the individual was given a sentence of less than 25 years to life, beginning the 20<sup>th</sup> year of incarceration; and
- If the individual was given a sentence of 25 years to life, beginning the 25<sup>th</sup> year of incarceration.

Individuals who were sentenced for crimes committed before they had reached 18 years of age and were sentenced pursuant to the Three Strikes Law, Jessica's Law, or sentenced to life in prison without the possibility of parole, or who after the age of 18 committed an additional crime for which the individual was sentenced to life in State prison, would not be eligible for a youthful offender parole hearing under the provisions of SB 260.

SB 260 would require BPH to give great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth and growth, and the maturity of the individual since incarceration when considering suitability for parole.

SB 260 passed the Assembly by a vote of 52 to 24 on September 6, 2013 and the Senate by a vote of 22 to 14 on September 10, 2013. **This measure is currently on the Governor's desk awaiting consideration.**

SB 260 is supported by Friends Committee on Legislation of California (co-source); Human Rights Watch (co-source); USC School of Law Post Conviction Clinic (co-source); Youth Justice Coalition (co-source); Youth Law Center (co-source); Los Angeles County Sheriff Leroy D. Baca; Advancement Project; American Civil Liberties Union; President, Grover G. Norquist; California Public Defenders Association; California Teachers Association; Children's Defense Fund; City and County of San Francisco, District Attorney George Gascón; City of San Diego, Chief of Police William Lansdowne; Former Speaker of the U.S. House of Representatives

Each Supervisor  
September 16, 2013  
Page 3

Newt Gingrich; Loyola Law School Center for Juvenile Law and Policy; Mexican American Legal Defense and Education Fund; Office of Restorative Justice of the Archdiocese of Los Angeles; Prison Law Office; Santa Clara University; University of San Francisco Center for Law and Global Justice; among others.

SB 260 is opposed by Los Angeles County District Attorney Jackie Lacey; Anaheim Police Officers Association; Association for Los Angeles Deputy Sheriffs; Association of Orange County Deputy Sheriffs; California Coalition of Law Enforcement Associations; California District Attorneys Association; California Fraternal Order of Police; California Narcotics Officers Association; California Police Chiefs Association; Crime Victims Action Alliance; Crime Victims United; Long Beach Police Officers Association; Los Angeles County Probation Officers Union-AFSME- Local 685; Los Angeles Police Protective League; Los Angeles Professional Peace Officers Association; Riverside Sheriffs Association; Sacramento Deputy Sheriffs Association; Santa Ana Police Officers Association; Southern California Alliance of Law Enforcement.

### **Conclusion**

This office is working with departments to determine potential County impact, if any; however as indicated above, Sheriff Baca supports this measure while District Attorney Jackie Lacey is opposed to the bill.

As there is no specific Board-approved policy related to consideration of parole for individuals who committed specified crimes prior to being 18 years of age and who were sentenced as adults, **approval of this motion is a matter of Board policy determination.**

We will continue to keep you advised.

WTF:RA  
MR:KA:lm

c: Executive Office, Board of Supervisors  
County Counsel